

1 BRADLEY LOGAN, M.D.,
2 a witness being first duly sworn, was examined and
3 testified on his oath as follows:

4 * * * * *

5 MR. HELMS: I'm Rick Helms. I'm counsel for
6 the plaintiff.

7 Mr. Guarino, identify yourself, please.

8 MR. GUARINO: Gary Guarino, counsel for the
9 United States.

10 E X A M I N A T I O N

11 BY MR. HELMS:

12 Q Mr. Logan, have you ever given a deposition before?

13 A Yes.

14 Q And when was that?

15 A The last deposition I gave I think was, um,
16 somewhere around 2001.

17 Q Did that relate to a medical case or you as a
18 doctor?

19 A Yes.

20 Q Any other depositions?

21 A Yes. I was -- I gave a deposition sometime in the
22 late 1990s.

23 Q Was that in relation to a medical situation or you
24 as a doctor?

25 A Yes.

1 Q Was it employment related?

2 A Yes.

3 Q When did you graduate from medical school?

4 A 1979.

5 Q When did you begin practicing as a doctor?

6 A 1992.

7 Q When did you first sit for your first medical board?

8 A Um, 1979.

9 Q What state was that with?

10 A It was a Canadian board exam.

11 Q Did you pass?

12 A Yes.

13 Q Were you licensed?

14 A Yes.

15 Q But you didn't practice after that until 1992; is
16 that correct?

17 A 1992 in the United States. I actually practiced in
18 Canada starting in, if I recall correctly, 1989.

19 Q And let me see if I've got this right. You
20 graduated from medical school in 1979, began
21 practicing in Canada a decade later in 1989?

22 A Yes.

23 Q And then began practicing in the United States in
24 1992?

25 A Yes.

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1 Q What boards did you sit for, medical boards did you
2 sit for in the United States?

3 A Um, the American Board of Obstetrics and Gynecology.

4 Q Okay. Let me go back to my first question. What
5 licensing authorities in the state or province did
6 you sit for?

7 A The Province of Alberta and the State of Florida and
8 the State of Tennessee.

9 Q And did you pass all of those when you took them?

10 A Yes.

11 Q So beginning as a doctor in 1992, where have you
12 worked?

13 A Um, I worked in St. Petersburg, Florida. I worked
14 in Lawrenceburg, Tennessee. I worked in Nashville,
15 Tennessee. And then I've done a number of locum
16 tenens assignments in Washington State, in Alaska,
17 in Arizona, in Minnesota, in North Dakota, South
18 Dakota, and in Tennessee.

19 Q You worked in what part of Florida?

20 A St. Petersburg, Florida.

21 Q Not in Largo, Florida?

22 A Largo is adjacent to St. Petersburg, Florida, so ...

23 Q What kind of practice did you have there?

24 A I practiced obstetrics and gynecology.

25 Q Was that a private practice?

- 1 A Yes.
- 2 Q And when did you stop doing that?
- 3 A My recollection is 1996.
- 4 Q You worked in Lawrenceburg, Tennessee?
- 5 A Yes.
- 6 Q What type of practice did you do there?
- 7 A Private obstetrics and gynecology.
- 8 Q When did you stop doing that?
- 9 A As I recall, approximately the year 2000.
- 10 Q Where did you go after that?
- 11 A Nashville, Tennessee.
- 12 Q What did you do there?
- 13 A Obstetrics and gynecology.
- 14 Q When did you leave there?
- 15 A My recollection is somewhere around 2005.
- 16 Q Where did you go after that?
- 17 A Um, I worked for a medical research company in
- 18 Clearwater, Florida.
- 19 Q And after that?
- 20 A Then I worked in, um, the State of Washington.
- 21 Q Was that as a locum?
- 22 A Yes.
- 23 Q How long did you work there?
- 24 A As I recall, approximately three months.
- 25 Q Why did you leave?

- 1 A I took a job working in Iowa, which I left off the
2 previous list.
- 3 Q What did you do in Iowa?
- 4 A I worked as a medical director for, um, a, um, a
5 home for the mentally retarded and disabled.
- 6 Q How long did you do that?
- 7 A Six months.
- 8 Q What type of medicine did you practice in
9 Washington?
- 10 A It was emergency medicine.
- 11 Q How big was that emergency department?
- 12 A As I recall, it was a four-bed emergency department.
- 13 Q Did it have a CAT scan or an MRI imaging machine?
- 14 A No.
- 15 Q After Washington -- oh, and you were in Washington
16 for three months, you said?
- 17 A That's my recollection.
- 18 Q Where did you go after Washington?
- 19 A As I mentioned, I went to Iowa.
- 20 Q And then after Iowa?
- 21 A I went to Nome, Alaska.
- 22 Q And how long did you work in Nome?
- 23 A Approximately three years.
- 24 Q From what year to what year?
- 25 A I don't really recall the answer to that.

1 Q You saw me in the fall of 2008. Does that help you
2 at all? Could it be two years instead of three?

3 A It could be. I'd have to look at my CV to know that
4 answer. I think you have a copy of my CV.

5 Q And what did you do in Alaska? Was it what's called
6 Nome Regional Hospital which is part of the Norton
7 Sound Health Corporation? What did you do there?

8 A I worked in the emergency department and also
9 admitted patients as a hospitalist.

10 Q Was this at night?

11 A Predominantly.

12 Q How many daytime ER shifts did you work?

13 A I can't tell you the number. Um, I could give you a
14 percentage. It would probably be less than
15 10 percent.

16 Q How big is the emergency department in Nome?

17 A It depends on how you look at it. It's --

18 Q How many beds in the emergency department?

19 A In the emergency room, as I recall, there were three
20 or four beds. But there was a hallway in the clinic
21 that was often used for emergency department
22 patients that had another six rooms.

23 Q Why did you leave Nome?

24 A Um, I took a job in Tennessee.

25 Q And what part of Tennessee?

1 A Middle Tennessee.

2 Q It's important in Tennessee to get those compass
3 points or location correct, isn't it?

4 A Yes.

5 Q They take special delight in saying where you are in
6 Tennessee.

7 What city was it in?

8 A Waynesboro, Tennessee.

9 Q Okay. Is there a place called McMinnville,
10 Tennessee? Is that --

11 A I worked later in McMinnville, Tennessee.

12 Q Did you ever work in Arizona?

13 A Yes.

14 Q When was that? Was that before Tennessee or after
15 Tennessee?

16 A It was, um, after I worked in Waynesboro, Tennessee.

17 Q What were you doing in Waynesboro? Let me ask you
18 that.

19 A I worked in the emergency department.

20 Q And how big was that department?

21 A It's five beds.

22 Q How long did you work there?

23 A I still work there, on occasion.

24 Q When did you -- where did you go next?

25 A As I recall, I went to Kayenta, Arizona.

1 Q K-A-Y-E-N-T-A, Arizona. Is that on the Navajo
2 Reservation?

3 A Yes, it is.

4 Q What did you do there?

5 A I worked in the emergency department.

6 Q How big is that emergency department?

7 A As I recall, it's a six-bed facility.

8 Q Now, you went to Tennessee after Nome, not Arizona
9 after Nome; is that correct?

10 A As I recall, yes.

11 Q Could that be -- could that be incorrect?

12 A It could be. It was awhile ago.

13 Q Did you want to stay --

14 A To the best of my recollection.

15 Q Did you want to stay in Nome?

16 A No. I took a position in Tennessee because it was
17 where I'd lived before and it was closer to home.

18 Q Did you apply to extend your privileges in Nome?

19 A No. Do you mean after I left? The answer is no.

20 Q No, while you were still there did you --

21 A Yeah, while I was there, as I recall, I was -- as I
22 recall, my privileges expired and they asked me to
23 renew them.

24 Q Is it possible you worked for two years in Alaska,
25 not three?

1 A Yes.

2 Q And that would have been from January of '08 to
3 December of 2009?

4 A That sounds correct.

5 Q In December of 2009 did you reapply for hospital
6 privileges?

7 A I think I probably would have because my privileges
8 would have expired.

9 Q When did you apply to this position in Tennessee or
10 the position in Arizona then?

11 A Well, to the position in Tennessee I would have
12 expired in the latter part of 2009.

13 Q Do you remember in another deposition saying that
14 you went to Arizona after Nome and that you'd worked
15 there for two years in Nome?

16 A I don't have any specific recollection of it. It's
17 complicated to keep all of these times straight.
18 Again, that's why I have a CV and it's all written
19 down on my CV.

20 Q Where were you trained in emergency medicine?

21 A Um, I had emergency medicine training during my
22 internship at the Royal Alexandra Hospital in
23 Edmonton, Alberta.

24 Q And what year was that?

25 A As I recall, 1988.

1 Q Was that one year?

2 A Yes.

3 Q Was that a rotating internship?

4 A Yes.

5 Q So you had everything from psychology -- or
6 psychiatry to OB/GYN to surgery to pediatrics to a
7 whole host of things?

8 A Yes, that's correct.

9 Q So did you do a residency in emergency medicine?

10 A No.

11 Q No other emergency room training?

12 A No.

13 Q When you applied to Norton Sound through the locum
14 company, were you applying for a family law clinic
15 position? Excuse me, family medicine clinical
16 position?

17 A No.

18 Q When you asked for medical privileges at Norton
19 Sound, did you ask for family medicine and clinical
20 privileges?

21 A Well, family medicine privileges are clinical
22 medicine privileges.

23 Q Is that a yes then?

24 A I have no specific recollection of applying for
25 family medicine privileges.

1 Q Do you have any intention of going back to Norton
2 Sound?

3 A No.

4 Q In your own words, do you know why you're being
5 deposed today?

6 A Um, I was a physician working at Norton Sound
7 Hospital, and Norton Sound Hospital was sued by, um,
8 Mr. Helms. And, um, the United States stepped in
9 for Norton Sound and asked me to attend the
10 deposition.

11 Q Is the lawsuit related to what you did as a doctor
12 at Norton Sound?

13 A Yes.

14 Q Since your departure from Nome, have you had any
15 contact with Norton Sound Hospital or the Norton
16 Sound Health Corporation?

17 A Yes.

18 Q And what contact is that?

19 A Um, as I recall, they sent me, um, a letter advising
20 me that a suit had been filed.

21 Q Who was that letter from?

22 A I don't recall her name. She was -- held an
23 administrative position at Norton Sound Hospital.

24 Q Any other communications, any e-mails or any other
25 letters?

1 A My recollection is that perhaps David Head sent me
2 an e-mail in this matter.

3 Q And what did that e-mail say?

4 A I don't recall.

5 Q Any phone calls, any other communication with anyone
6 at Norton Sound or Norton Sound Health Corporation?

7 A It's possible that I spoke to David Head.

8 Q What was that discussion about?

9 A I think he advised me of the lawsuit as well.

10 Q Did he say anything else?

11 A He just told me that I would be receiving documents
12 regarding the matter.

13 Q And what documents did you receive?

14 A As I recall, I received copies of, um, the emergency
15 room visit I had with Mr. Helms.

16 Q So it's one document?

17 A I believe there were several pages.

18 Q And did you discuss those documents with Dr. Head or
19 any other person?

20 A No.

21 Q Did you talk to anyone else about this lawsuit?

22 A Mr. Guarino.

23 Q Have you spoken with Dr. Head about any other
24 lawsuits that involved Norton Sound where you were
25 being called as a witness?

1 A In my recollection I did.

2 Q What were -- what were those lawsuits?

3 A Um, my recollection is that it was Nayokpuk versus
4 Norton Sound Hospital.

5 Q Were there any others?

6 A Not to my recollection.

7 Q Is there one about Archie Adams?

8 A Not to my recollection.

9 Q This was a medical malpractice case, the one that
10 you spoke with Dr. Head as well. You were a
11 treating physician in that case? It was a case
12 dealing with --

13 A Indirectly --

14 Q -- meningitis?

15 A Yes.

16 Q So can you distinguish between the conversation you
17 had with regard to the meningitis case, with the
18 name that you just mentioned, maybe any other case,
19 and the case that we're here today on, can you
20 distinguish your conversation with Dr. Head on
21 those?

22 A Yes.

23 Q Okay. And so I'll ask you again: What was your
24 conversation with Dr. Head about? What did he say?

25 MR. GUARINO: Excuse me, Counsel. Which --

1 which lawsuit are you talking about with this
2 conversation?

3 MR. HELMS: Perhaps you didn't hear. I'm
4 talking about this particular lawsuit. I only -- I
5 only asked if he could distinguish between the two
6 times he talked to Dr. Head because they're close in
7 proximity.

8 MR. GUARINO: No, I understand, but when you
9 say "this lawsuit," it's not clear to me, are we
10 talking about the current lawsuit or the -- one of
11 the prior lawsuits?

12 MR. HELMS: Not the one that was settled. This
13 one that's ongoing, this particular one,
14 Helms v. USA.

15 MR. GUARINO: All right. Thank you.

16 A Yes.

17 Q (By Mr. Helms) And so what did Dr. Head tell you?

18 A He told me that I'd be receiving documents regarding
19 this matter.

20 Q That was a five-second phone conversation?

21 A Yes. It was very short.

22 Q When you were at Norton Sound, did you have the
23 authority to initiate a medevac?

24 A Yes.

25 Q Now, I'm saying sending a medevac from Nome, not

1 arranging for a commercial transport by air taxi or
2 retrieving somebody from the village to come to
3 Nome. I'm talking about a medevac from Nome.

4 A Yes, I could initiate a medevac using the air
5 carrier contracted by Norton Sound Hospital.

6 Q And during your tenure how many times did you do
7 that?

8 A I'd be guessing, but I'd say over 50.

9 Q You medevaced people from Nome to some other
10 location over 50 times?

11 A Yes.

12 Q And where did you medevac them to?

13 A Anchorage, Alaska. And there were one or two times
14 to Fairbanks, Alaska.

15 Q Was it a common practice and procedure in Nome to
16 medevac people?

17 A Yes, it is.

18 Q And why is that?

19 A Um, the hospital in Nome has limited capabilities
20 and so if anyone requires a higher level of care,
21 the patient is typically offered a medevac service.

22 Q Norton Sound Health Corporation didn't have any CT
23 scan or MRI imaging capability in 2008, did it?

24 A That's correct.

25 Q Because of that, do patients that present to the

1 emergency department, Norton Sound, during that time
2 have a greater risk of -- of further injury?

3 MR. GUARINO: Objection, form.

4 Q (By Mr. Helms) Is it preferable for the patient care
5 to have CAT scan imaging or an MRI imaging
6 capability?

7 A In certain circumstances, yes.

8 Q Would that include stroke?

9 A Yes.

10 MR. HELMS: I want to get this marked as
11 Exhibit 1.

12 Gary, for your reference I'm looking at Norton
13 Sound Regional Hospital, Bates number 000012.

14 MR. GUARINO: What is it?

15 MR. HELMS: We'll identify it here in a minute.

16 (Exhibit 1 marked for identification.)

17 MR. HELMS: It's the Emergency Department
18 Registration.

19 Q (By Mr. Helms) Can you take me through this
20 document? Starting at "Brief Nursing History," what
21 does that say?

22 A It says, "Time: 0625. Sudden onset," an "R" with a
23 circle, which typically means "right," "jaw." And
24 an "R" with a circle, which typically means "right,"
25 and then "eye pain. Disoriented." And then a

1 nurse's signature.

2 Q What are some symptoms of an ischemic stroke?

3 A Um, there can be any neurologic dysfunction.

4 Q Could it be a sudden onset of right, a sudden onset
5 of right jaw and right eye pain?

6 A Yes.

7 Q Could it be disorientation?

8 A Yes.

9 Q The next line, what does that say?

10 A It says, "CC: Sudden onset, right sided jaw pain,"
11 and "R" with a circle meaning "right" "eye pain."
12 "Now" with a line over top, which means "with,"
13 "mostly," "R" with a circle meaning "right," "eye
14 pain. Some blurred vision. No shapes or objects."

15 Q Does that say sleepers or shapes?

16 A Shapes.

17 Q Okay.

18 A "Has had a similar pain." Then below that it says
19 "ROS: Very few headaches."

20 Q Let me go back. Doesn't that say, He's not similar
21 pain? Is that --

22 A No.

23 Q You're saying that's "had"?

24 A Yes, that's "had".

25 Q Go ahead. And what does "CC" mean, by the way?

1 A Chief complaint.

2 Q Go ahead.

3 A Um, I'll start at the beginning on this line.

4 Again, it's "ROS:"

5 Q What does ROS mean?

6 A Review of Systems. "Very few headaches (less than
7 50 in life), blurred vision and chest pain and ABD,"
8 meaning abdominal pain, "++nausea. No diarrhea, no
9 constipation. Had potluck yesterday at noon with
10 lots of fish items. Doesn't feel well."

11 Q "Physicians Notes"?

12 A Sorry.

13 Q What does it say under --

14 A It says, "No temp he is aware of. Left sided
15 scotoma," "R" circle, meaning "right," "eye."

16 Q What does that mean?

17 A It means there was a visual defect on the left side
18 of the right eye.

19 Q Go ahead.

20 A Then it says typed "Physician[] Notes: PMHX,"
21 standing for past medical history, "Diabetes Type
22 2," an arrow that's up meaning elevated BP, meaning
23 elevated blood pressure. "L/S" meaning lumbo --
24 lumbosacral and then the word "spine problems since
25 1980s."

1 And then it says, "Surgery: Releases times
2 two. Allergies: None," zero with a line through it
3 meaning none. Then it says, "PX," meaning physical
4 exam, "H&N," meaning head and neck, "pupils equal,
5 neck supple. Chest: No abnormalities. ABD,"
6 meaning abdomen, "obese, soft, non-tender, no
7 organomegaly." And then a plus with a circle
8 meaning positive BS, meaning bowel sounds.

9 And then it says, "Diagnosis: Atypical
10 headache likely due to diabetes, stress, GI
11 disturbance."

12 Then on the right-hand side of the page under
13 "Physician[]" orders -- "Order, it says, "BS,
14 meaning blood sugar, "equal to 116. GI cocktail,"
15 the time of 0710 and the nurse's initials.
16 "Ibuprofen, 800 milligrams po," meaning by mouth.
17 And the time of 07, it looks like 10, although the
18 photocopy didn't pick it up totally. And I can see
19 the first of the nurse's two initials, "S". And,
20 "EKG," the nurse's signature and the time of 0710.

21 MR. HELMS: I'll have this marked as Exhibit 2.

22 Gary, this is triage notes. Did you need the
23 Bates number?

24 (Exhibit 2 marked for identification.)

25 Q (By Mr. Helms) This is, correct me if I'm wrong, the

1 triage form filled out by the nurse; is that
2 correct?

3 A Yes, it is.

4 Q All right. It's dated the -- 8-29 of 2008. What
5 are the chief complaints written there on the form?

6 A "Right eye and right jaw pain." And she's written
7 an arrow up and an arrow down. "Became disoriented"
8 and then the word "took" and then "HX," typically
9 meaning history. "Type 2 DM," typically meaning
10 diabetes mellitus, and then a bracket, "FSBS,"
11 typically meaning fasting blood sugar, "116".

12 Q I'll take you down to "Urgency Category". Which one
13 is circled there?

14 A "Class IV".

15 Q Okay. Which is what?

16 A It means non -- non-urgent.

17 Q It says, "Physician notified" as checked under
18 "Disposition". That's you; is that correct?

19 A Yes.

20 Q Do you have any independent recollection of seeing
21 me in August of 2008?

22 A Yes.

23 Q Okay. Were you called by the nurse on the
24 telephone, or did they come and get you, or how did
25 that happen?

1 A I don't recall.

2 Q So you don't have an independent recollection of
3 seeing me?

4 A No, I have an independent recollection of seeing
5 you. I don't have an independent recollection of
6 whether I was called by the nurse on the telephone
7 or whether she paged me overhead or whether I was
8 already in the emergency room or --

9 Q From your recollection, when you came into the
10 emergency room, what did you say to me?

11 A I don't have a specific recollection of what I said.

12 Q What were you doing before you came to see me?

13 A I have no specific recollection.

14 Q Were you watching TV or listening to the radio or --

15 A I have no recollection.

16 Q Was I laying in the bed or -- or seated up?

17 A I don't have a specific recollection.

18 Q What questions did you ask me?

19 A I don't have a specific recollection of what I asked
20 you.

21 Q What did I tell you?

22 A What I recall you told me is that you had awakened
23 that morning, that you had some pain in your right
24 eye and pain in your right jaw, that you didn't feel
25 well, that you had an upset stomach, that you had